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FEB 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM E. FEIL,

Plaintiff - Appellant,

v.

C. SULLIVAN; et al.,

Defendants - Appellees.

No. 05-35851

D.C. No. CV-05-05180-JKA

MEMORANDUM^{*}

Appeal from the United States District Court
for the Western District of Washington
J. Kelley Arnold, Magistrate Judge, Presiding^{**}

Submitted February 13, 2006^{***}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

William E. Feil, a Washington state prisoner, appeals pro se from the district court's summary judgment in favor of defendants in his 42 U.S.C. § 1983 action

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The parties consented to proceed before a magistrate judge.

^{***} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

alleging defendants violated his First Amendment rights by enforcing prison mail regulations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Jones v. Blanas*, 393 F.3d 918, 926 (9th Cir. 2004), and we affirm.

The district court properly granted summary judgment on the claim that defendants interfered with his access to courts. Feil cannot show he suffered an actual injury, because the record shows that he was able to present the merits of his habeas claim to the state court. *See Lewis v. Casey*, 518 U.S. 343, 351-54 (1996).

Moreover, summary judgment was appropriate on Feil's claim that defendants refused to allow Feil to receive mail bearing no return address, because the evidence shows that defendants acted pursuant to a regulation passed in the legitimate penological interest of maintaining security. *See Morrison v. Hall*, 261 F.3d 896, 907 (9th Cir. 2001).

AFFIRMED